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Anthony D. Sabatelli
Merck & Co., Inc.
P.O. Box 2000
126 East Lincoln Avenue
Rahway, New Jersey 07065-0907

In re Application of :
DAIFOTIS, et al. :
U.S. Application No.: 09/445,837 : DECISION ON PETITION
PCT No.: PCT/US98/14796 :
Int. Filing Date: 17 July 1998 : UNDER 37 CFR 1.182
Priority Date: 22 July 1997 :
Attorney's Docket No.: 20002YP :
For: METHOD OF INHIBITING BONE :
RESORPTION :

This is a decision on applicant's "Request for Corrected Notification of Acceptance Under 35 USC §371" filed in the United States Patent and Trademark Office (USPTO) on 08 May 2000. The request is being treated as a petition under 37 CFR 1.182, The \$130.00 petition fee under 37 CFR 1.17(h) has been charged to Deposit Account No. 13-2755 as authorized.

BACKGROUND

On 17 July 1998, applicant filed international application PCT/US98/14796 which claimed a priority date of 22 July 1997. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 04 February 1999. A proper Demand was filed with for International Preliminary Examination prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 22 January 2000.

On 13 December 1999, applicants filed a Transmittal Letter for entry into the national stage accompanied by the requisite basic national fee; a copy of the International Application; PCT Article 19 Amendments; a Preliminary Amendment and an executed combined declaration and power of attorney. The Transmittal Letter indicated that the International Application number was "PCT/US98/14746." The enclosed specification and combined declaration and power of attorney listed the International Application number as "PCT/US98/14796."

On 21 March 2000, applicant was mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" listing the International Application number as "PCT/US98/14746."

On 08 May 2000, applicant filed the present request for issuance of a corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" indicating the International Application number as "PCT/US98/14796."

DISCUSSION

Applicant identified the International Application correctly in the executed combined oath and power of attorney. In addition, the correct International Application number was listed on the enclosed specification and the title of the invention listed on the Transmittal Letter, "Method for Inhibiting Bone Resorption" matches that of PCT/US98/14796. As such, it is possible to discern that applicant intended to enter the national stage for PCT/US98/14796. A corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" indicating the International Application number as PCT/US98/14796 will be issued to applicant as requested.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is **GRANTED**.

\$130.00 will be deducted from Deposit Account No.: 13-2755 as payment of the 37 CFR 1.182 petition fee.

The "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" mailed 21 March 2000 is hereby **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision; specifically the issuance of a corrected "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" indicating the International Application number as PCT/US98/14796.



Boris Milef
Legal Examiner
PCT Legal Office



Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459